

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

United States of America,	)	
	)	Civil Action No. 6:13-232-TMC
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
William Charles Walker, II, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff filed this action against Defendants seeking to foreclose real estate mortgages on property situated in this District. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court dismiss this action under Federal Rules of Civil Procedure 4(m) for failure to properly serve the defendants and 41(b) for failure to prosecute. (ECF No. 64). The Report advised the parties of their right to file objections, however, neither party has objected to the Report’s recommended disposition.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the Report's analysis and discussion of Rule 4(m) and incorporates it herein. However, the court does not agree that dismissal under Rule 41(b) is appropriate at this time. Therefore, this action is dismissed pursuant to Rule 4(m) *without prejudice*.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

April 1, 2014  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.